

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Messina et al.  
 Serial No.: 09/990,115 Confirmation No. 2803  
 Filed: November 21, 2001  
 For: SOUND ATTENUATING/ABSORBING LAMINATES AND  
 METHODS OF MAKING SAME

November 7, 2003

**Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

# PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48 AND 35 U.S.C. § 116

Sir:

Pursuant to 37 C.F.R. 1.48(a), please add the name Jean-Jacques Katz, Novi, Michigan, USA, as an inventor to the above-identified application. In support of this petition are included:

- (a) The fee as set forth in 37 C.F.R. 1.17(i);
- (b) A Verified Statement by Jean-Jacques Katz that the error in inventorship occurred without deceptive intention on his part;
- (c) A Consent of Assignee duly executed by the assignee; and
- (d) An Assignment from Jean-Jacques Katz with Cover Sheet and Fees.

*Whenever, through error a person is named in an application as an inventor, or through error an inventor is not named in an application, and such error arose without any deceptive intention on his part, the Commissioner may permit the application to be amended accordingly, under such terms as he prescribes.*

The joint inventor was omitted as a result of error and without deceptive intention. The joint inventor, Jean-Jacques Katz , was omitted as a result of judgment by the Agent that there were not sufficient facts at the time of filing to add him as an inventor. Only after the application had been filed was it conclusively discovered that the unnamed inventor had been potentially omitted in error. Upon reviewing the claims as drafted and reviewing the facts, it was decided that Jean-Jacques Katz was a joint inventor as to some of the claims and, thus, should be added to appropriately correct the Inventorship. A mistake of judgment concerning the proper inventive entity can constitute a correctable "error" within the meaning of 35 C.F.R. § 116. In re Schmidt, 130 U.S.P.Q. 404 (C.C.P.A. 1961). Further, the proper inventive entity need not be conclusively proved "so long as the existence of error without

In re: Messina et al.  
Serial No.: 09/990,115  
Filed: November 21, 2001  
Page 2 of 2

deceptive intention is satisfactorily demonstrated." In re Searles, 164 U.S.P.Q. 623, 628 (C.C.P.A. 1970).

Therefore, it is respectfully requested that the omitted inventor be added to correct the inventorship.

Respectfully submitted,

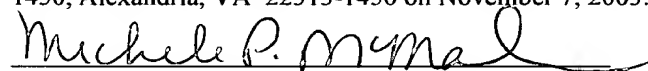


Needham James Boddie, II  
Attorney for Applicant(s)  
Registration No. 40,519

USPTO Customer No. 20792  
Myers Bigel Sibley & Sajovec, P.A.  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 7, 2003.



Michele P. McMahan  
Date of Signature: November 7, 2003  
301263



Attorney Docket No.: 998-816

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Messina et al.  
Serial No.: 09/990,115 Confirmation No: 2803  
Filed: November 21, 2001  
For: SOUND ATTENUATING/ABSORBING LAMINATES AND  
METHODS OF MAKING SAME

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**VERIFIED STATEMENT OF FACTS**  
**UNDER 37 C.F.R. § 1.48(a)**

Sir:


Pursuant to 37 C.F.R. § 1.48(a), Jean-Jacques Katz of Novi, Michigan, declares that:

1. I was formerly an employee of Collins & Aikman Products Co.
2. As a joint-unnamed inventor and during my employment by Collins & Aikman Products Co. I had responsibility for development of an invention for which a patent application entitled: SOUND ATTENUATING/ABSORBING LAMINATES AND METHODS OF MAKING SAME, Serial No. 09/990,115, was filed.

To the best of my knowledge, I believe that the invention described and claimed in the above-identified application was developed in part by myself and in part by Anthony Messina, Surendra Khambete and Girma Gebreselassie and through error without any deceptive intent I was not named as an inventor in the original application.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application or any patent issuing thereon.

Respectfully submitted,

  
\_\_\_\_\_  
Jean-Jacques Katz

Date: JUNE 12, 2003



Attorney Docket No.: 998-816

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Messina et al.  
Serial No.: 09/990,115 Confirmation: 2803  
Filed: November 21, 2001  
For: SOUND ATTENUATING/ABSORBING LAMINATES AND  
METHODS OF MAKING SAME

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CONSENT OF ASSIGNEE**  
**UNDER 37 C.F.R. § 1.48**

Sir:

The below-named officer who represents Collins & Aikman Products Co., the assignee of the above-identified application, hereby consents to the amendment of the patent application under 37 C.F.R. §1.48(a), to add the following joint inventor:

Jean-Jacques Katz  
43519 Castlewood  
Novi, Michigan 48375-4006

Assignee represents that it has ownership in Patent Application Serial No. 09/990,115 as evidenced by the following:

1. An Assignment from named inventors Anthony Messina, Surendra Khambete and Girma Gebreselassie, which Assignment was recorded in the U.S. Patent and Trademark Office on January 29, 2002, at Reel 012562, Frame 0696.
2. An Assignment from unnamed inventor Jean-Jacques Katz to Collins & Aikman Products Co., which Assignment was executed on June 12, 2003.

Respectfully submitted,

Collins & Aikman Products Co.

Name: 

Ronald T. Lindsay

Title: Senior Vice President

Date: July 15, 2003